

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JAMES THOMPSON

CIVIL ACTION NO.: 1:17-CV-00982

VERSUS

JUDGE DEE DRELL

KENNETH HEDRICK, INDIVIDUALLY
AND AS SHERIFF OF CONCORDIA
PARISH, CONCORDIA PARISH
DEPUTY SHERIFF BROWN, CONCORDIA
PARISH DEPUTY SHERIFF
BROCK, CONCORDIA PARISH DEPUTY
SHERIFF DEBORAH TOWAN,
INDIVIDUALLY AND IN THEIR
OFFICIAL CAPACITIES AS
DEPUTY SHERIFFS FOR THE
CONCORDIA PARISH SHERIFF'S
DEPARTMENT

MAGISTRATE JOSEPH PEREZ-MONTES

FIRST SUPPLEMENTAL AND AMENDING PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes **JAMES THOMPSON**, who desires to amend his petition in the following, to wit:

- I. By amending the caption to read as follows:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JAMES THOMPSON

CIVIL ACTION NO.: 1:17-CV-00982

VERSUS

JUDGE DEE DRELL

KENNETH HEDRICK, INDIVIDUALLY
AND AS SHERIFF OF CONCORDIA
PARISH, CONCORDIA PARISH
DEPUTY SHERIFF BROWN, CONCORDIA

**PARISH DEPUTY SHERIFF
BROCK, CONCORDIA PARISH DEPUTY
SHERIFF DEBORAH COWAN,
INDIVIDUALLY AND IN THEIR
OFFICIAL CAPACITIES AS
DEPUTY SHERIFFS FOR THE
CONCORDIA PARISH SHERIFF'S
DEPARTMENT**

MAGISTRATE JOSEPH PEREZ-MONTES

II. By amending **Paragraph 1** to read as follows:

1. **CONCORDIA PARISH SHERIFF KENNETH HEDRICK**, a person of the full age of majority and domiciled in the Parish of Concordia, State of Louisiana, made defendant herein individually and in his official capacity as Sheriff for the Parish of Concordia, who can be served at 4001 Carter Street, Room 7, Vidalia, Louisiana 71373.
2. **CONCORDIA PARISH DEPUTY SHERIFF BROWN**, a person of the full age of majority and domiciled in the Parish of Concordia, State of Louisiana, made defendant herein individually and in his official capacity as a deputy sheriff for the Concordia Parish Sheriff's Department, who can be served at 4001 Carter Street, Room 7, Vidalia, Louisiana 71373.
3. **CONCORDIA PARISH DEPUTY SHERIFF BROCK**, a person of the full age of majority and domiciled in the Parish of Concordia, State of Louisiana, made defendant herein individually and in his official capacity as a deputy sheriff for the Concordia Parish Sheriff's Department, who can be served at 4001 Carter Street, Room 7, Vidalia, Louisiana 71373.
4. **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, a person of the full age of majority and domiciled in the Parish of Concordia, State of Louisiana, made defendant herein individually and in her official capacity as a deputy sheriff for the Concordia Parish Sheriff's Department, who can be served at 4001 Carter Street, Room 7, Vidalia, Louisiana 71373.

III. By amending **Paragraph 24** to read as follows:

For the next twenty (20) days or so, plaintiff asked defendant, **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, for the correct medication on a daily basis. In response to each request, defendant stated, "you will get your medicine." Plaintiff never received the correct medication, but was forced to take the high-blood pressure medication given to him. Plaintiff would also stress to defendant, **CONCORDIA PARISH DEPUTY SHERIFF**

DEBORAH COWAN, on a daily basis that the medication she was giving him was not working because he was constantly at a loss of breath; the right side of his body was numb; and he constantly had a dull headache.

- IV. By adding a paragraph after **Paragraph 24** to be numbered **Paragraph 24(1)** and to read as follows:

Additionally, during that same twenty (20) day or so period, plaintiff asked defendant, **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, to see the doctor three (3) to four (4) times a week; despite paying the usual \$12.00 fee, plaintiff never did see the doctor and was told "you will get your chance, but there are several people in front of you."

- V. By amending **Paragraph 30** to read as follows:

On August 14, 2016, plaintiff experienced a heart attack due to not taking the correct medication and was brought to the hospital for medical treatment. After an uneventful stent surgery, plaintiff was released from the hospital after a six (6) day stay. At this particular point, plaintiff had approximately forty-five (45) days remaining on his sentence and expected to be brought back to the Concordia Parish Correctional Facility. Instead, plaintiff was told he was free to go and was "cut loose" at the hospital. It is believed that defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH**, has a policy of keeping operation costs down by providing "cheap" medical care to inmates that ultimately jeopardizes inmate safety; freeing plaintiff after being released from the hospital was done so that defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH**, would not be responsible for any follow-up treatment, or additional medical treatment if a complication developed. Defendants, **CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK** and **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, were still under a duty to provide adequate medical treatment to plaintiff after being released from the hospital, if needed, because his sentence was not complete, and they purportedly knew plaintiff would be released from the facility to avoid follow-up treatment, or additional medical treatment if a complication developed.

- VI. By amending **Paragraph 34** to read as follows:

Plaintiff, **JAMES THOMPSON**, shows that his need for proper medical attention was ignored by defendants, **CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK** and **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**.

VII. By amending **Paragraph 35** to read as follows:

Plaintiff shows that the acts of defendants, **CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK** and **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, were tortuous, criminal, fraudulent, malicious, intentional, willful, outrageous, reckless and flagrant, therefore, defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH**, is liable under La. R.S. 9:2798.1 for all damages sustained by plaintiff; plaintiff shows that the acts of defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH**, were tortuous, criminal, fraudulent, malicious, intentional, willful, outrageous, reckless and flagrant, therefore, defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH**, is liable under La. R.S. 9:2798.1 for all damages sustained by plaintiff.

VIII. By amending **Paragraph 36** to read as follows:

Plaintiff, **JAMES THOMPSON**, asserts that defendants, **CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK** and **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, at all times herein, were acting during the course and scope of their employment for defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH**, and all acts are imputed to defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH** for the claims under La. R.S. 9:2798.1.

IX. By amending **Paragraph 37** to read as follows:

Plaintiff, **JAMES THOMPSON**, is asserting causes of actions under Eighth Amendment and under 42 U.S.C. § 1983 because defendants, **CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK** and **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, showed a deliberate indifference to his serious medical needs leading up to the heart attack and after the heart attack.

X. By amending **Paragraph 39** to read as follows:

As for the claims under 42 U.S.C. § 1983, plaintiff, **JAMES THOMPSON**, is asserting claims against defendants, **CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK** and **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, in their personal capacities.

XI. By amending **Paragraph 40** to read as follows:

As for the claims under 42 U.S.C. § 1983, plaintiff, **JAMES THOMPSON**, is asserting defendant, **KENNETH HEDRICK, SHERIFF OF CONCORDIA PARISH**, is liable for the actions of defendants, **CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK** and **CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN**, due to lack of training.

XII. By amending the Prayer to read as follows:

WHEREFORE, PLAINTIFF, JAMES THOMPSON, prays that defendants, **KENNETH HEDRICK, INDIVIDUALLY AND AS SHERIFF OF CONCORDIA PARISH, CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK, CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES AS DEPUTY SHERIFFS FOR THE CONCORDIA PARISH SHERIFF'S DEPARTMENT**, be duly served with copies of this petition and cited to answer same and that after all due proceedings had, there be judgment in favor of plaintiff, **JAMES THOMPSON**, and against defendants, **KENNETH HEDRICK, INDIVIDUALLY AND AS SHERIFF OF CONCORDIA PARISH, CONCORDIA PARISH DEPUTY SHERIFF BROWN, CONCORDIA PARISH DEPUTY SHERIFF BROCK, CONCORDIA PARISH DEPUTY SHERIFF DEBORAH COWAN, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES AS DEPUTY SHERIFFS FOR THE CONCORDIA PARISH SHERIFF'S DEPARTMENT**, jointly, severally and in an amount to be determined by this Honorable Court for violating the Eighth Amendment of the United States Constitution, 42 U.S.C. § 1983 and La. R.S. 9:2798.1, plus court costs.

WHEREFORE, PLAINTIFF, JAMES THOMPSON, prays that this First Supplemental and Amending Petition for Damages be amended in the above particulars.

Respectfully submitted,

LAW OFFICES OF MALCOLM X. LARVADAIN

By: s/Malcolm X. Larvadain
Malcolm X. Larvadain, La. Bar #26,066
ATTORNEY FOR PLAINTIFF
626 Eighth Street
Alexandria, Louisiana 71301
TEL. (318) 445-3533
FAX. (318) 445-4030

CERTIFICATE

I hereby certify that on December 12, 2018, a copy of the foregoing "First Supplemental and Amending Petition" was filed with the Clerk of Court and a copy of same was forwarded to all counsel of record by electronic mail via the CM/ECF system.

s/Malcolm X. Larvadain
Malcolm X. Larvadain